

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RYAN KENNETH RANDALL,
Plaintiff(s),
v.
CITY OF LAS VEGAS,
Defendant(s).

Case No. 2:22-cv-00807-APG-NJK

REPORT AND RECOMMENDATION

13 On May 23, 2022, the Court denied without prejudice Plaintiff’s application to proceed *in*
14 *forma pauperis* because it was incomplete. Docket No. 4. The Court ordered Plaintiff to either
15 pay the filing fee or file a renewed application to proceed *in forma pauperis* by June 22, 2022. *Id.*
16 The Court warned that “[f]ailure to timely comply with this order may result in a
17 recommendation to the District Judge that this case be dismissed without prejudice.” *Id.*
18 (emphasis in original). Despite that warning, Plaintiff did not pay the filing fee or file a renewed
19 application.¹

20 This case cannot proceed without Plaintiff either paying the filing fee or filing a motion to
21 proceed *in forma pauperis*. See 28 U.S.C. § 1914(a); see also 28 U.S.C. § 1915(a). Having refused
22 to do either in this case, Plaintiff's complaint is subject to dismissal. E.g., *Desai v. Biden*, 2021
23 WL 38169, at *1 (E.D. Cal. Jan. 5, 2021), *adopted*, 2021 WL 276236 (E.D. Cal. Jan. 27, 2021).

24 Moreover, Plaintiff's refusal to comply with the Court's order is an abusive litigation
25 practice that has interfered with the Court's ability to hear this case, delayed litigation, disrupted
26 the Court's timely management of its docket, wasted judicial resources, and threatened the

¹ Plaintiff has filed three notices, Docket Nos. 5-7, which do not appear to relate to the *in forma pauperis* issue now before the Court.

1 integrity of the Court's orders and the orderly administration of justice. Sanctions less drastic than
2 dismissal are unavailable because Plaintiff has refused to comply with the order of this Court
3 notwithstanding the warning that case-dispositive sanctions may be imposed.

4 Accordingly, the undersigned **RECOMMENDS** that this case be **DISMISSED** without
5 prejudice.

6 Dated: June 29, 2022

7 
8 Nancy J. Koppe
United States Magistrate Judge

9

10 **NOTICE**

11 This report and recommendation is submitted to the United States District Judge assigned
12 to this case pursuant to 28 U.S.C. § 636(b)(1). A party who objects to this report and
13 recommendation must file a written objection supported by points and authorities within fourteen
14 days of being served with this report and recommendation. Local Rule IB 3-2(a). Failure to file
15 a timely objection may waive the right to appeal the district court's order. *Martinez v. Ylst*, 951
16 F.2d 1153, 1157 (9th Cir. 1991).

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